

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

_____	)	
ENGELHARD CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>Civil Action No. 05-11241-JLT</b>
	)	
UNITED STATES OF AMERICA, <u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

**UNITED STATES' UNOPPOSED MOTION FOR  
ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT**

Defendants United States of America, et al. ("United States"), by and through undersigned counsel, respectfully request an enlargement of time of 15 days, to an including October 14, 2005, within which to file their response to the Complaint filed by Plaintiff Engelhard Corporation. The United States' response is currently due on September 29, 2005, and this is the United States' second request for an enlargement of time in which to file its response to the Complaint. Undersigned counsel has conferred with Plaintiff's counsel regarding this motion, and Plaintiff will not oppose this motion.

Good cause exists for this requested enlargement of time. Undersigned counsel was recently assigned to handle this case, thereby replacing another counsel for the United States (Laurel A. Bedig, Esq.) who was originally assigned to the case. (The re-assignment of counsel was necessitated by the extensive trial preparation responsibilities placed upon Attorney Bedig in another matter.) Moreover, until very recently, undersigned counsel had been engaged in

litigation and settlement efforts in a complex CERCLA cost recovery action against the United States. As such, undersigned counsel has been unable to devote sufficient time to fully analyze Plaintiff's Complaint and complete the United States' response by September 29, 2005.

This motion is made in good faith and is not made to delay this action, or for any other improper purpose.

Wherefore, this Court should grant this motion and enlarge the time for the United States to respond to the Complaint, up to and including October 14, 2005.

Respectfully submitted,

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KELLY A. JOHNSON  
Acting Assistant Attorney General  
Environment & Natural Resources Division

Dated: September 26, 2005

/s/ Stephen E. Crowley  
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**Local Rule 7.1(a)(2) Certification**

Undersigned counsel certifies that pursuant to the requirements under Local Rule 7.1(a)(2), he has conferred with Plaintiff's counsel and that Plaintiff's counsel has assented to this motion.

/s/ Stephen E. Crowley  
STEPHEN E. CROWLEY

**CERTIFICATE OF SERVICE**

I, Stephen E. Crowley, hereby certify that I have this 26th day of September, 2005, served a true and correct copy of the foregoing UNITED STATES' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT on Plaintiff's counsel of record by electronic filing and first-class, postage pre-paid, U.S. mail, as follows:

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/s/ Stephen E. Crowley  
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